

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Joseph Dornbierer, being duly sworn, declare and state as follows:

Introduction and Agent Background

1. I make this affidavit in support of a Criminal Complaint charging Daniel RUIZ and Joel Ivan CAQUIAS AVILES with conspiracy to distribute controlled substances in violation of Title 21, United States Code, Section 846. As explained in detail below, there is probable cause to believe that on or about March 23, 2022, RUIZ and CAQUIAS AVILES and others, known and unknown, knowingly, and willfully conspired to distribute heroin, a Schedule I controlled substance, and cocaine base, a Schedule II controlled substance.

2. I have served as a Homeland Security Investigations (HSI) Special Agent (SA) since 2016. I am presently assigned to the HSI office in Rutland, Vermont, whose geographic jurisdiction encompasses the District of Vermont. I have received extensive training provided by the Federal Law Enforcement Training Center and HSI in the investigation and enforcement of laws of the United States. I have participated in numerous criminal investigations regarding violations of federal narcotics, human trafficking, firearms, child exploitation, and financial laws. Prior to employment with HSI, I was an Enforcement Officer with U.S. Customs and Border Protection for 12 years.

Probable Cause

3. On or about March 4, 2022, the Rutland City Police Department (RCPD) with assistance from Homeland Security Investigations (HSI), began investigating reports of repeated and persistent narcotics activity at the Highlander Motel located at 203 North Main Street Rutland, Vermont.

4. In the month of March, law enforcement conducted a controlled purchase at the Highlander Motel using a confidential informant (CI). In the post-buy interview (recounted here in summary and not verbatim), the CI reported that it had entered Room 22 of the Highlander; provided the recorded “buy money” to an older male in the room; a younger Hispanic male took the money from the older male; the younger Hispanic male departed the room and returned a few minutes later with suspected heroin; the older male took the heroin from the younger Hispanic male; and the older male provided the heroin to the CI, who then departed the room. The CI described the Hispanic male as wearing a black “preppy” hoodie and dark pants.

5. During this controlled purchase, I observed a male wearing a dark colored sweatshirt with white stripes on the sleeves walk away from the area where Room 22 was located, and enter Room 15, and then depart back to Room 22. Det. Sgt. Whitehead of the RCPD was also conducting surveillance, and saw a male wearing a dark colored sweatshirt with white stripes on the sleeves depart Room 22 around the same timeframe. These observations were consistent with the CI’s accounting of events.

6. The heroin purchased by the CI during this controlled buy was packaged in wax paper baggies and stamped with blue text that reads “PABLO ESCOBAR.” The contents of the baggies was not field tested. The substance inside was a white powdery substance with the appearance of heroin/fentanyl.

7. On March 22, 2022, RCPD and HSI, with assistance from Vermont State Police (VSP), Bennington Police Department (BPD), Weathersfield Police Department (WPD), the Drug Enforcement Administration (DEA), Federal Bureau of Investigations (FBI), and Department of Corrections (DOC), conducted a surveillance and interdiction operation focused on the Highlander Motel. During this operation, law enforcement observed a high level of

narcotics activity specifically involving room numbers 15, 22, and 24. Law Enforcement observed numerous individuals (customers) who would arrive at the motel either on foot or vehicle. The customers would enter either Room 22 or 24. After the customers would enter either Room 22 or 24, a young male (runner) would exit the room and walk to Room 15.

8. The runner would arrive to Room 15 and male inside Room 15 would allow the runner into the room. After a short period of time, the runner would exit Room 15 and return to the originating room where the customer was waiting, either Room 22 or 24. A short time later, the customer would leave the room and depart the motel.

9. Law Enforcement involved in the operation then maintained surveillance of the departing customers. Some customers were subjected to motor vehicle stops when a traffic violation was observed. During the motor vehicle stops, customers made statements confirming the observations at the Highlander, specifically that a runner was delivering drugs from Room 15 to Room 22 and/or 24, and that a Hispanic male was the source of drugs in Room 15.

10. On March 23, 2022, law enforcement observed one Hispanic male leave Room 15 and walk south on North Main Street to a local business. When the Hispanic male returned to Room 15, another person opened the door and allowed him inside.

11. On March 23, 2022, RCPD obtained search warrants from Vermont Superior Court Judge David R. Fenster for Rooms 15, 22, and 24 at the Highlander Motel, which were executed later the same day.

12. During the execution of the search warrant for Room 15, law enforcement apprehended one Hispanic male, later identified as Joel Ivan CAQUIAS AVILES (DOB: 07/12/2000). CAQUIAS AVILES was subsequently found to have a key to Room 15 on his person and approximately \$500 of U.S. Currency. CAQUIAS AVILES asked an officer to have

access to his cellular phone, which he identified as being in the room. The cellular phone CAQUIAS AVILES identified as his phone had within the phone's protective case a Pennsylvania Identification Card in the name of Joel Ivan CAQUIAS AVILES.

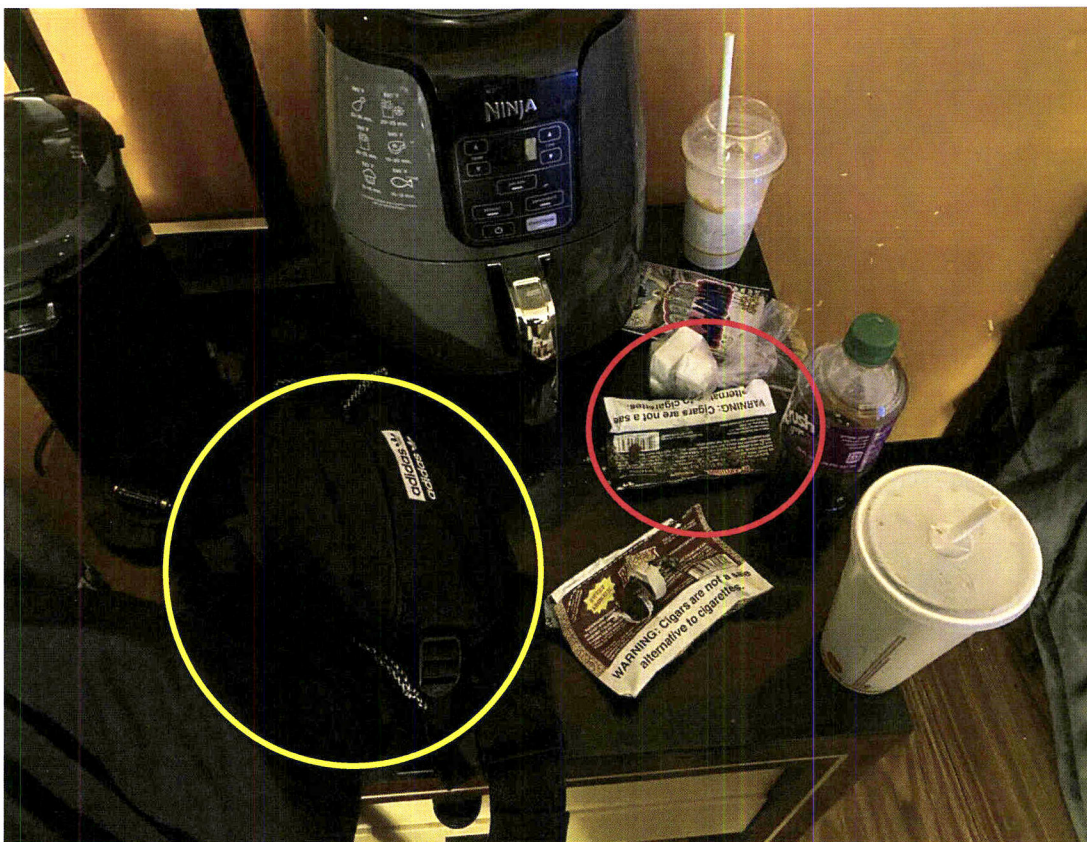
13. As law enforcement entered Room 15 to execute the warrant, a second Hispanic male, later identified as Daniel RUIZ (DOB: 02/02/1988), fled through the bathroom window and was later apprehended. A search of RUIZ's person resulted in the seizure of approximately \$1,700 of U.S. Currency.

14. During the search of Room 15, law enforcement discovered in plain view on top of the microwave a bulk quantity of suspected cocaine base on a digital scale. The microwave was directly next to the entrance to the bathroom. A picture of the suspected cocaine base, as discovered by law enforcement, appears below:



15. This seized suspected cocaine base was later weighed at the Rutland City Police Department. The seized cocaine base was determined to weigh approximately 37 grams. No field-testing was conducted. Based on my training and experience, the seized substance has the appearance of cocaine base, and the amount of cocaine base seized in the room was consistent with an intent to distribute it.

16. Law enforcement also located on the nightstand next to the bed a clear plastic bag containing what appeared to be heroin packaged for sale. Also on the nightstand was a small Adidas-branded black bag. A picture of the nightstand, as found by law enforcement, appears below (suspected heroin circled in red; Adidas-branded bag circled in yellow):



17. The suspected heroin was seized, and later inspected by the Rutland City Police Department. The seized heroin was found to have the blue “PABLO ESCOBAR” stamp and determined to be approximately 168 bags. No field-testing was performed on the seized bags due

to officer safety concerns. Based on my training and experience, the seized bags were packaged in a manner consistent with how heroin is packaged for sale, and the contents of the bags appears consistent with heroin. Searching officers informed me that they did not locate in Room 15 any drug paraphernalia that would be used to consume heroin. The blue “PABLO ESCOBAR” stamp is also consistent with the stamp on the suspected heroin obtained in the controlled purchase discussed above. For those reasons, I believe the heroin seized from Room 15 was possessed with the intent to distribute it.

18. Inside the Adidas-branded black bag, law enforcement located approximately \$5,100 of U.S. Currency, and a Glock 9mm handgun and two magazines, both loaded with ammunition. A picture of the seized firearm appears below:



19. Law Enforcement also executed the search warrant on Room 22 where they apprehend R.K. R.K. was found in possession of 2 wax baggies of heroin in his right front pocket.

20. Law Enforcement also executed the search warrant on Room 24 and apprehended juvenile A.H. Based on surveillance of the drug activities at the Highlander, I was able to

affirmatively identify juvenile A.H. as the runner who moved frequently between Room 15 and Rooms 22 and 24.

21. During the execution of the warrants, law enforcement also apprehended D.D. and E.J., who were outside Rooms 22 and 24.

22. D.D. gave consent to law enforcement to conduct a search of his person, during which approximately 19 grams of suspected cocaine base was found hidden in his groin area. Two small wax baggies of heroin were found in his pocket.

23. E.J. was also searched, and found in possession of several empty wax baggies that had been stamped with blue text that reads "PABLO ESCOBAR."

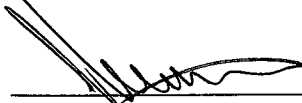
24. After his arrest, Daniel RUIZ was given his Miranda Warnings. RUIZ verbally waived his rights and signed the Miranda Rights waiver form. In the interview, RUIZ admitted he has been selling crack cocaine and heroin in Rutland, Vermont for the past year and a half. RUIZ stated that on March 22, 2022, he received a ride from his home in Springfield, Massachusetts to Rutland, Vermont, and rented Room 15 at the Highlander Motel. RUIZ admitted to possession of the crack cocaine seized from Room 15, and the approximately \$1,700 of U.S. Currency in his possession at the time of his detention.

25. RUIZ stated the heroin and firearm found in Room 15 did not belong to him but rather to Joel CAQUIAS AVILES. RUIZ stated CAQUIAS AVILES is in the same crew as he is, and works with him out of Room 15. RUIZ also admitted he uses juvenile A.H to assist in selling drugs. RUIZ also admitted he pays R.K., who resides in Room 22, small amounts of drugs to deliver customers to him.

Conclusion

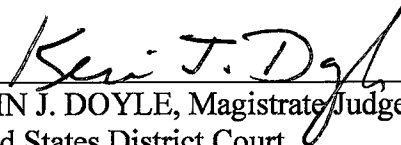
26. For the reasons outlined above, I submit there is probable cause to believe that on or about March 23, 2022, in the District of Vermont, Daniel RUIZ and Joel Ivan CAQUIAS AVILES violated Title 21, United States Code, Section 846 by conspiring to distribute heroin and cocaine base.

Respectfully submitted,



Joseph Dornbierer, Special Agent
Homeland Security Investigations

Sworn to and subscribed before me this 24th day of March 2022.



KEVIN J. DOYLE, Magistrate Judge
United States District Court
District of Vermont